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HOUSE BILL 1440

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Hinkle, Haler, Warnick, McCune, Haigh and Dunn

Read first time 01/19/2007. Referred to Committee on Transportation.

1            AN ACT Relating to provisional drivers' licenses for persons who  
2 fail to prove United States citizenship; amending RCW 46.20.035,  
3 46.20.091, 46.20.105, and 46.20.181; and adding a new section to  
4 chapter 46.20 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 46.20 RCW  
7 to read as follows:

8            A person applying for the issuance or renewal of a driver's license  
9 must prove that he or she is a United States citizen by meeting the  
10 requirements of RCW 46.20.035(7). The department shall not issue a  
11 regular driver's license if an applicant fails to meet the requirements  
12 of RCW 46.20.035(7). If the person satisfies all other requirements  
13 and fees prescribed under this chapter, the department shall issue the  
14 person a provisional driver's license. A provisional driver's license  
15 is valid for one year from the date of issuance and may be renewed as  
16 provided in RCW 46.20.181(5).

17            **Sec. 2.** RCW 46.20.035 and 2004 c 249 s 2 are each amended to read  
18 as follows:

1 The department may not issue an identicard or a Washington state  
2 driver's license that is valid for identification purposes unless the  
3 applicant meets the identification requirements of subsections (1),  
4 (2), or (3) and (7) and (8) of this section.

5 (1) A driver's license or identicard applicant must provide the  
6 department with at least one of the following pieces of valid  
7 identifying documentation that contains the signature and a photograph  
8 of the applicant:

9 (a) A valid or recently expired driver's license or instruction  
10 permit that includes the date of birth of the applicant;

11 (b) A Washington state identicard or an identification card issued  
12 by another state;

13 (c) An identification card issued by the United States, a state, or  
14 an agency of either the United States or a state, of a kind commonly  
15 used to identify the members or employees of the government agency;

16 (d) A military identification card;

17 (e) A United States passport; or

18 (f) An Immigration and Naturalization Service form.

19 (2) An applicant who is a minor may establish identity by providing  
20 an affidavit of the applicant's parent or guardian. The parent or  
21 guardian must accompany the minor and display or provide:

22 (a) At least one piece of documentation in subsection (1) of this  
23 section establishing the identity of the parent or guardian; and

24 (b) Additional documentation establishing the relationship between  
25 the parent or guardian and the applicant.

26 (3) A person unable to provide identifying documentation as  
27 specified in subsection (1) or (2) of this section may request that the  
28 department review other available documentation in order to ascertain  
29 identity. The department may waive the requirement if it finds that  
30 other documentation clearly establishes the identity of the applicant.

31 (4) An identicard or a driver's license that includes a photograph  
32 that has been renewed by mail or by electronic commerce is valid for  
33 identification purposes if the applicant met the identification  
34 requirements of subsection (1), (2), or (3) of this section at the time  
35 of previous issuance.

36 (5) The form of an applicant's name, as established under this  
37 section, is the person's name of record for the purposes of this  
38 chapter.

1 (6) If the applicant is unable to prove his or her identity under  
2 this section, the department shall plainly label the license "not valid  
3 for identification purposes."

4 (7) An applicant proves that he or she is a United States citizen  
5 with an original or copy of any of the following:

6 (a) A United States passport;

7 (b) A certified birth certificate issued by a city, county, or  
8 state. The certified birth certificate must have a registrar's raised,  
9 embossed, impressed, or multicolored seal, the registrar's signature,  
10 and the date the certificate was filed with the registrar's office,  
11 which must be within one year of birth;

12 (c) A consular report of birth abroad or certification of birth;

13 (d) A naturalization certificate; or

14 (e) A certificate of citizenship.

15 (8) An applicant provides evidence of a principal Washington  
16 residence address with an original or copy of any of the following:

17 (a) A utility bill;

18 (b) A bank statement;

19 (c) A paycheck;

20 (d) A government check; or

21 (e) Another government document.

22 **Sec. 3.** RCW 46.20.091 and 2000 c 115 s 4 are each amended to read  
23 as follows:

24 (1) **Application.** In order to apply for a driver's license or  
25 instruction permit the applicant must provide his or her:

26 (a) Name of record, as established by documentation required under  
27 RCW 46.20.035;

28 (b) Date of birth, as established by satisfactory evidence of age;

29 (c) Sex;

30 (d) Principal Washington residence address and proof of the address  
31 as required in RCW 46.20.035(8);

32 (e) Description;

33 (f) Driving licensing history, including:

34 (i) Whether the applicant has ever been licensed as a driver or  
35 chauffeur and, if so, (A) when and by what state or country; (B)  
36 whether the license has ever been suspended or revoked; and (C) the  
37 date of and reason for the suspension or revocation; or

1 (ii) Whether the applicant's application to another state or  
2 country for a driver's license has ever been refused and, if so, the  
3 date of and reason for the refusal; and

4 (g) Proof of United States citizenship as required in RCW  
5 46.20.035(7); and

6 (h) Any additional information required by the department.

7 (2) **Sworn statement.** An application for an instruction permit or  
8 for an original driver's license must be made upon a form provided by  
9 the department. The form must include a section for the applicant to  
10 indicate whether he or she has received driver training and, if so,  
11 where. The identifying documentation verifying the name of record must  
12 be accompanied by the applicant's written statement that it is valid.  
13 The information provided on the form must be sworn to and signed by the  
14 applicant before a person authorized to administer oaths. An applicant  
15 who makes a false statement on an application for a driver's license or  
16 instruction permit is guilty of false swearing, a gross misdemeanor,  
17 under RCW 9A.72.040.

18 (3) **Driving records from other jurisdictions.** If a person  
19 previously licensed in another jurisdiction applies for a Washington  
20 driver's license, the department shall request a copy of the  
21 applicant's driver's record from the other jurisdiction. The driving  
22 record from the other jurisdiction becomes a part of the driver's  
23 record in this state.

24 (4) **Driving records to other jurisdictions.** If another  
25 jurisdiction requests a copy of a person's Washington driver's record,  
26 the department shall provide a copy of the record. The department  
27 shall forward the record without charge if the other jurisdiction  
28 extends the same privilege to the state of Washington. Otherwise the  
29 department shall charge a reasonable fee for transmittal of the record.

30 **Sec. 4.** RCW 46.20.105 and 2000 c 115 s 5 are each amended to read  
31 as follows:

32 (1) The department may provide a method to distinguish the driver's  
33 license of a person who is under the age of twenty-one from the  
34 driver's license of a person who is twenty-one years of age or older.

35 (2) An instruction permit must be identified as an "instruction  
36 permit" and issued in a distinctive form as determined by the  
37 department.

1 (3) An intermediate license must be identified as an "intermediate  
2 license" and issued in a distinctive form as determined by the  
3 department.

4 (4) A provisional license must be identified as a "provisional  
5 license" and issued in a distinctive color as determined by the  
6 department.

7 **Sec. 5.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read  
8 as follows:

9 (1) Except as provided in subsections (4) and (5) of this section,  
10 every driver's license expires on the fifth anniversary of the  
11 licensee's birthdate following the issuance of the license.

12 (2) A person may renew his or her license on or before the  
13 expiration date by submitting an application as prescribed by the  
14 department and paying a fee of twenty-five dollars. This fee includes  
15 the fee for the required photograph.

16 (3) A person renewing his or her driver's license more than sixty  
17 days after the license has expired shall pay a penalty fee of ten  
18 dollars in addition to the renewal fee, unless his or her license  
19 expired when:

20 (a) The person was outside the state and he or she renews the  
21 license within sixty days after returning to this state; or

22 (b) The person was incapacitated and he or she renews the license  
23 within sixty days after the termination of the incapacity.

24 (4) During the period from July 1, 2000, to July 1, 2006, the  
25 department may issue or renew a driver's license for a period other  
26 than five years, or may extend by mail a license that has already been  
27 issued, in order to evenly distribute, as nearly as possible, the  
28 yearly renewal rate of licensed drivers. The fee for a driver's  
29 license issued or renewed for a period other than five years, or that  
30 has been extended by mail, is five dollars for each year that the  
31 license is issued, renewed, or extended. The department may adopt any  
32 rules as are necessary to carry out this subsection.

33 (5) The department may continually renew a provisional driver's  
34 license issued under section 1 of this act for periods of one year.  
35 The fee for a provisional driver's license issued or renewed is five

1 dollars for each year the license is issued or renewed.

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